

### **III. AMENDMENTS TO THE CLAIMS**

#### **Amendments Made Herein and Summary of Status of Claims**

**Please cancel claims 1-11, 13-28 which are actually claims 1-27, without prejudice.**

**Please add new claims 28 - 42.**

Claims 28 - 41 exist after the amendment set forth below is entered. The original number sequence of the claims was 1- 11 and 13-28. This was in error because claim 12 was not filed. Since claim 12 did not actually exist, claim 13 should have been properly designated claim 12. Thus, the original set claim count should have ended with the number 27, making the first newly added main claim replacing original claim 1 of elected inventive Group I, the claim number 28. Claims 29 -41 have been newly added being also directed to the elected subject matter of Group I replacing and amending the original claims 1-6, 14-19, actually 1-6 and 13-18. No new matter has been introduced with this amendment.

#### **Statement with Respect to Scope of Amended and Non-Amended Claims**

Revisions to the claim set is made in order to streamline prosecution of this case in order to obtain early allowance of embodiments that are presently anticipated to be of commercial significance and are not made for a purpose of patentability. Any amendment, cancellation, withdrawal or addition made herein with respect to the claims should not be construed in any manner as indicating Applicant's surrender of any subject matter of the application, or surrender of any equivalent to any element asserted in one or more claims. Any narrowing which may be evinced with respect to subject matter covered by the claims as a whole, or by one or more claims of the appended claims whether amended, re-represented, or new, when compared to claims previously in the application, should not be interpreted as indicating that the Applicant has generally disclaimed the territory between the original claimed subject matter and the amended claimed subject matter. Amended claims elements are to be construed to include substantial equivalents known to those of ordinary skill in the art. Applicant asserts that any

amendments transacted herein are made without prejudice and reserves all rights to prosecute any canceled claims, and claim structures preceding any amendment to a particular claim, and other disclosed (but not presently claimed) embodiments in the application, in future continuation applications, divisional applications, continuation-in-part applications, continuing prosecution applications, requests for continuing examination, re-examination applications and any other application claiming priority to the present application.

▪ **COMPLETE LIST OF CLAIMS THAT ARE OR HAVE BEEN BEFORE THE OFFICE  
AFTER ENTRANCE OF THE AMENDMENTS MADE HEREIN**

The following claims constitute a complete list of claims that are or have been before the office after entrance of the amendments made herein. Amendments to the claims are indicated in accord with Revised 37 C.F.R. §1.121. In accord with such regulation, the listing of claims set forth below replaces all prior versions, and listings, of claims in the application:

--CLAIMS AS PENDING IN THE APPLICATION WITH AMENDMENTS MADE HEREIN  
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**Claims 1--27 (canceled) (these claims are numbered after correcting the original claim number sequence 1-11, 13-28 for the missing claim 12, as set forth above)**

a1 28. (New) A method of a content provider for providing a content over a data network to a viewer/user, the content being offered with an option, comprising:  
offering to provide, over a data network from a content provider to a viewer/user, a content associated with an option of making a choice on a content-by-content basis to accept either a content without advertisement for which the viewer/user would pay a choice compensation to the content provider, or accept a content with advertisement for which the viewer/user would not pay the choice compensation to the content provider.

29. (New) The method of claim 28, wherein the data network comprises a content display device, an intelligent television, a computer, a personal digital assistant or a cellular telephone.

a2 30. (New) The method of claim 28, wherein the data network comprises a communication layer, choice compensation module or a content module.

31. (New) The method of claim 28, wherein the data network comprises a content display device.

32. (New) The method of claim 28, wherein the option is offered to a viewer/user comprising a viewer/user household or an individual viewer/user.

33. (New) The method of claim 28, wherein the choice compensation is based on the quality or cost of the content.

34. (New) The method of claim 33, wherein the quality of the content is based on the viewing habit or demography of the viewer/user.

35. (New) The method of claim 28, wherein the viewer/user chooses the content with or without advertisements by transmitting the choice over the data network to the content provider.

36. (New) The method of claim 28, wherein the choice compensation is a fee assessed on the basis of the choice content payable to the content provider by the viewer/user.

37. (New) The method of claim 28, wherein the option comprises a choice to the viewer/user of selecting the content together with an embedded advertisement for which the choice compensation is not made to the content provider.

38. (New) The method of claim 28, wherein the viewer/user comprises a subscribing individual viewer/user or a subscribing viewer/user household.

39. (New) The method of claim 28, wherein the optional content to be provided with advertisement varies with the demographic profile of the individual viewer/user viewing habit or preference so as to match quantity of advertisement with the quality or cost of the content provided.

40. A system for a content provider providing to a viewer/user over a data network a content with an offer of an option, comprising:

a content display device for displaying content;  
a content storage device for storing content; and  
a content server having a processor for communicating with the content display device and the content storage device wherein the content storage device has computer instructions stored thereon for loading content into a computer so as to cause the computer to perform a method program of providing to a viewer/user over the data network the content with the option of allowing the viewer/user a choice between viewing a content having a program devoid of advertisement for which compensation

is due, and viewing a content having a program containing an advertisement for which compensation is not due, and for communicating the selected option to the content provider and providing the content based on the selected option from the content provider to the viewer/user.

41.(New) The system of claim 40, wherein the data network is connected to an electronic computer readable medium for storing and transmitting instructions as to content and option selection.

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